

12686. Adulteration of canned salmon. U. S. v. 480 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17874. I. S. No. 4671-v. S. No. C-4131.)

On October 25, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 480 cases of salmon, at Memphis, Tenn, alleging that the article had been shipped by the Sanitary Fish Co. and P. E. Harris & Co., from Anacortes, Wash., on or about August 28, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Double "Q" Select Pink Salmon * * * Distributed By P. E. Harris & Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 9, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12687. Adulteration of raisins. U. S. v. Jessie C. Wilson, Mgr., Old Dutch Market. Collateral of \$50 forfeited. (F. & D. No. 738-c.)

On September 16, 1924, the United States attorney for the District of Columbia, acting upon a report by an official of the District of Columbia, filed in the Police Court of the District aforesaid an information against Jessie C. Wilson, Mgr., Old Dutch Market, at 3113 14th St., N. W., Washington, D. C., alleging that on September 10, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of raisins which were adulterated.

It was alleged in the information that the article was filthy in that it contained worms.

On September 16, 1924, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited to insure appearance of the defendant was declared forfeited by the court.

HOWARD M. GORE, *Secretary of Agriculture.*

12688. Adulteration and misbranding of canned cherries. U. S. v. 50 Cases of Pitted Sour Red Cherries, et al. Decrees of condemnation and forfeiture with respect to portion of product; released under bond. Remainder ordered released under bond to be salvaged. (F. & D. Nos. 16865, 16866, 16867. I. S. Nos. 9431-v, 9459-v, 9461-v. S. Nos. C-3814, C-3815, C-3816.)

On October 2, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 570 cases of cherries, remaining unsold in the original packages at Louisville, Ky., consigned by Haserot Co., Northport, Mich., in part August 17, 1922, and in part August 18, 1922, alleging that the article had been shipped from Traverse City, Mich., and transported from the State of Michigan into the State of Kentucky, and charging adulteration and misbranding with respect to a portion of the article, and misbranding with respect to the remainder, in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Haserot's McPherson Brand Pitted Sour Red Cherries in Juice * * * Packed By Francis H. Haserot Company, Cherry Home, Michigan." The remainder of the said article was labeled in part: (Can) "Cherry Home Brand Red Sour Pitted Cherries in Juice Packed By Francis H. Haserot Company."

Adulteration was alleged in the libel with respect to the McPherson brand cherries for the reason that they consisted wholly or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged with respect to both brands of the product for the reason that the statement "Pitted Sour Red Cherries in Juice," appearing in the labels, was false and misleading and deceived and misled the purchaser.

On February 19, 1923, the Francis H. Haserot Co. having appeared as claimant for the Cherry Home brand cherries, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be